

COUNTY OF YORK

MEMORANDUM

DATE: June 19, 2006 (BOS Mtg. 7/18/06)

TO: York County Board of Supervisors

FROM: James E. Barnett, County Attorney



SUBJECT: Request for a vacation of an unimproved portion of Boundary Road

Several months ago, Mr. Raymond Selby, owner of 407 Boundary Road and 414 Boundary Road, approached the County asking for the vacation of a portion of Boundary Road as it lies unimproved between his two parcels. The addition of the requested property would provide enough land area to allow Mr. Selby to create a second buildable lot under the County's family subdivision ordinance. He has offered the County the sum of \$7,000 (this amount is based on the current assessment of Mr. Selby's adjoining property), indicating further that his intention is to combine his parcels and resubdivide them in order to build a home for one of his children.

Boundary Road was created in 1950, prior to the time that the County adopted its first subdivision ordinance, by the Veterans of Foreign Wars, who subdivided a portion of their property and created a roadway along the southern border of the subdivision, with one ninety degree turn at the north between the two lots which Mr. Selby now owns. According to a letter received from the Virginia Department of Transportation (attached) that portion of Boundary Road is not included within the State Secondary System of Highways, nor has it been improved. As such, it is a stub street which will not be needed as a through street, according to information received from the Department of Environmental and Development Services. Boundary Road lies in the Lackey area, near Baptist Road, and is part of a residential area which is entirely encircled by Colonial National Historical Park. The portion of Boundary Road which is sought to be vacated terminates at National Park Service property, not far from the loop road known as "French Encampment Loop."

This matter has been advertised for a public hearing pursuant to § 15.2-2006 which allows any locality to vacate a public right of way not in the State Secondary System of Highways and further (pursuant to Code of Virginia § 15.2-2008) to condition the vacation upon the purchase of the right of way by any abutting property owner. The attached draft ordinance conditions the vacation upon the purchase by Mr. Selby for the price he has offered, and also for his reimbursement to the County for the cost of running the advertisement for the public hearing, as is required by Code of Virginia § 15.2-2006.

If you are willing to grant Mr. Selby's request, then the adoption of the attached ordinance will vacate the roadway upon the conditions referenced above, and authorize the County Administrator to execute a quitclaim deed or other documents as may be necessary to evidence Mr. Selby's ownership of the road as a matter of public record.

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Attachments

- Vicinity Map
- Correspondence from the VDOT dated June 12, 2006
- Ordinance No. 06-16